



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

GC8

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/161,277	09/28/1998	EIICHI YOSHIDA	44084-326	7422

20277 7590 01/03/2002
MCDERMOTT WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

TRAN, DOUGLAS Q

ART UNIT	PAPER NUMBER
----------	--------------

2624

DATE MAILED: 01/03/2002

10

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
JAN 7 2002
McDermott, Will & Emery

Advisory Action

Application No.

09/161,277

Applicant(s)

YOSHIDA ET AL.

Examiner

Douglas Q. Tran

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 December 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

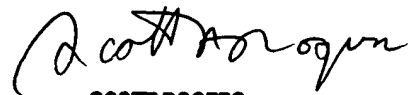
Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1-6, 9-13, 15 and 16.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: The Applicant's arguments cannot overcome the rejections because the cited prior art fully discloses the claimed invention. Applicant asserted in pages 2-3 " More specifically, Bender teaches that a (preferred) printer stores all the print job data in a "non-volatile memory" so that when power is lost before a particular print job has been entirely printed, this fully buffered print job will remain in the non volatile memory indefinitely until the power is restored. No other use of a non-volatile memory is disclosed or suggested in Bender. Thus, there is no problem of printing data being lost in the non volatile memory of Bender and no need to issue a resend to the host computers that send the printing data". In reply, the advantage of Bender's system clearly discloses the non-volatile memory does not only stores print jobs but also stores information of those print jobs. This advantage of Bender's system does not need to waste time in order to request for resending other print jobs because these print jobs and all print job data are not lost if the power is lost. Since Bender's the non-volatile memory stores the status information of these print jobs, this feature can modify to the deficiency of Tamagaki's the system. Applicant argued in pages 5-6: " Neither Tamagaki nor Bender disclose or suggest such a controller for clearing a respective image data address in the non volatile memory prior to the image data being resent by the corresponding terminal device.". In reply, Tamagaki teaches the backup memory just only stores the information of the print data when the print data is lost due some error of the printer including the lost power. Therefore, the information of the lost print data would be inherently deleted from that memory because the printer does not need that information anymore when it performs printing with that resend print job. Also, Bender do the same concept that the printer deletes the information of print jobs from the non volatile memory once the print job has been verified as having been completely printed (col. 5, lines 1-5), because the printer of Bender does not need that information when the print jobs are printed.

For the above reasons, it is believed that the cited prior art fully discloses the claimed invention and the rejection stand.


SCOTT ROGERS
PRIMARY EXAMINER
2624